

## **APPLYING FOR A TREATY TRADER /INVESTOR VISA At the Visa Section, U.S. Embassy Madrid, Spain**

Thank you for your inquiry concerning establishing a business venture in the United States. The following information describes two types of non-immigrant visas available to persons wishing to invest in or trade in the U.S.: a **Treaty Trader visa (E-1)** and a **Treaty Investor visa (E-2)**, and the application process here at the consular section at U.S. Embassy Madrid. Please note that neither of these visas is a substitute for an immigrant visa. Persons wishing to remain indefinitely in the U.S. should apply for the appropriate immigrant visa.

### **Treaty Trader, E-1 Visa application**

Applicants for treaty trader status must document the value, volume, and frequency of their U.S.-treaty country trade, and show that it is substantial relative to the nature of their firm's business. Visas are available to managers, executives, and individuals with specific skills, which are not generally available in the U.S. workforce, and make their presence essential to the efficient operation of the enterprise. Unskilled manual workers, clerical workers, or middle/lower-level management personnel do not qualify for employee visas.

### **Treaty Investor, E-2 Visa application**

Applicants for an E-2 visa must be coming to the U.S. solely to develop and direct a bona fide enterprise. If the applicant is not the principal investor, he or she must be employed in a supervisory, executive, or highly specialized capacity. Ordinary skilled and unskilled workers do not qualify.

### **Application Instructions**

An E visa application consists of an **DS 160** visa application form (DS 160 form must be completed on line at <http://madrid.usembassy.gov> /Non-immigrant visas, printed with the barcode), an applicant's 50 mm. X 50 mm. photograph on a white background, the visa application MRV fee receipt, a photocopy of all pages of his/her applicant's passport, a ***completely*** filled-in OF-156E application, and any required company documentation which substantiates the applicant's claim to E visa status. Please **DO NOT SEND YOUR ORIGINAL PASSPORT** (Please see the attached check list for useful documentation.)

All visa applicants, including applicants for E visas, must pay a non-refundable application fee of **\$ 270.00**. This fee must be paid at any branch of **Banco Santander** in local currency. The original receipt must be included with the E visa application package. We cannot accept bank transfers or checks.

Applications should be submitted to the visa section by mail or via messenger service. Because of the complexity of E visa adjudication we are unable to adjudicate E visa applications at the visa window, and therefore do not schedule interviews until after we have reviewed all documentation submitted. Such adjudication is time consuming and may take about four weeks depending on the volume of applications we receive. Each application is reviewed in the

order it is received, and incomplete applications will not be reviewed until all documentation has been submitted (this includes the payment receipt).

In order to process all applications in a timely manner we do not discuss refusals or hypothetical cases by telephone and ask that any specific queries on current or potential E visa cases be sent to us in written form to [evisas@state.gov](mailto:evisas@state.gov) .

### **Nationality of Applicant**

The treaty trader/investor must, whether an individual or business, possess the nationality of the treaty country. The authorities of the country of which the alien claims nationality determine the nationality of the individual. The nationality of a business is determined by the nationality of the individual owners of that business.

### **Family Members:**

Spouses and unmarried children under 21 years of age, regardless of nationality, may receive derivative E visas in order to accompany the principal applicant. Dependents are not authorized to work in the U.S. based on their E Visa. A fiancée or partner is not a spouse under U.S. law and therefore is not entitled to a derivative E visa. S/he may qualify for another type of visa, but must meet all legal requirements for that visa classification.

### **DHS/USCIS Changes of Status**

It is necessary to establish the company's entitlement to E visa status prior to the issuance of an E visa to an investor or employee, even if the DHS/USCIS has authorized a Change of Status to E-1 or E-2 for a person in the U.S. That status is valid only as long as the person remains in the U.S. Should the applicant decide to come to Madrid and apply for an E visa s/he must submit a COMPLETE application with all required documentation and await adjudication as described above.

### **Limit of Stay in the U.S.**

Holders of E visas may reside in the U.S. as long as they continue to maintain their status with the enterprise and the DHS/USCIS or length of stay granted on I-94 by DHS/USCBP.

Applicants should be aware that a visa does not guarantee admission to the U.S. CBP has the final authority to deny or permit entry into the U.S. CBP, not the validity of the visa, determines the period for which the bearer of an E visa is authorized to remain in the U.S. CBP officials at the port of Entry will determine the length of stay and note this on Form I-94, the record of arrival and departure. Those persons who wish to stay beyond the time indicated on their Form I-94 must contact DHS/USCIS to apply for extension of Status. The decision to deny or grant a request for extension of stay is made solely by the DHS/USCIS.

### **General Information**

Please, send your request for any additional information to [evisas@state.gov](mailto:evisas@state.gov)

**PLEASE, NOTE MAXIMUM E VISA PACKET SIZE IS 50 PAGES.**